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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of

Amendment of Section 90.159  
of the Commission's Rules  
Concerning Temporary  
Licensing of Private  
Carrier Paging Stations  
Above Line A

RM-

To: The Private Radio Bureau

PETITION FOR RULEMAKING

Paging Network, Inc., by its attorneys and pursuant to Section 1.401 of the Commission's Rules, 47 C.F.R. § 1.401, hereby respectfully requests that the Commission institute a rulemaking proceeding seeking to amend Section 90.159(b)(1) of the Commission's Rules, 47 C.F.R. § 90.159(b)(1), to permit private carrier paging ("PCP") stations at 929-930 MHz above Line A to operate under a conditional permit. This rule change would reflect the recent understanding between the Commission and the Canadian Department of Communications, which provides that Canada will no longer require that the United States protect certain fixed stations in Canada, eliminating the need for coordination of frequencies above Line A.

PageNet is the largest and fastest growing paging carrier in the nation, providing both radio common carrier and PCP services to over 2.5 million subscribers in twenty-eight

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states and the District of Columbia. Much of PageNet's recent growth has occurred on PCP frequencies. As such, PageNet has a vital interest in the rules which govern its operation under Part 90.

Under Section 90.159 of the Commission's rules, a PCP applicant, with certain restrictions, is permitted to operate under a conditional permit after having submitted an application that is reviewed by the National Association for Business and Educational Radio ("NABER"), the frequency coordinator. The applicant may operate its proposed station during the pendency of its application for a period of up to 180 days once the application, together with NABER's frequency coordination and the appropriate filing fee, are deposited in the mail to the Commission. This conditional licensing procedure is beneficial to both licensees and the Commission, as it results in an expeditious authorization without placing any addition burden on the licensing process. Specifically, under this procedure, applicants are not forced to delay activating their systems until the Commission completes processing the application and grants a license, a process that generally takes approximately 30 to 45 days. Most importantly, the conditional licensing procedure expedites service to the public.

Section 90.159(b)(1) of the Commission's rules, however, requires that applicants at 929-930 MHz seeking a conditional permit certify that the proposed station location is south of Line A. Such a condition was necessary at the

time of the rule's adoption, as Commission coordination with Canadian authorities concerning the assignment of these PCP frequencies above Line A was generally required in order to protect certain Canadian fixed stations. As evidenced by Exhibit 1 attached (letter from Robert W. McCaughern, Deputy Director General, Engineering Programs Branch of Canada's Department of Communications, to Bruce Franca, Deputy Chief Engineer of the FCC's Office of Engineering and Technology), protection to Canadian fixed systems is no longer necessary. Therefore, no coordination requests from the FCC are required within 250 miles of the border in the 929-930 MHz band.<sup>1</sup>

As Canadian coordination above Line A is no longer a prerequisite to licensing, the regulatory concern underlying the prohibition on PCP stations above Line A receiving conditional permits has been extinguished. PageNet respectfully requests, therefore, that the Commission institute a rulemaking proceeding to amend Section 90.159(b)(1) to remove this prohibition and to enable PCP applicants for stations above Line A to operate under a conditional permit. See Exhibit 2, attached.<sup>2</sup> By permitting applicants for stations above Line A to activate their systems

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<sup>1</sup> PageNet understands that the lower half of the band, 929.0-929.5 MHz, is reserved and that the Private Radio Bureau will withhold assignments in this band within 75 miles from the border. See Interim Coordination Considerations for the Band 929-932 MHz, dated September 14, 1983.


<sup>2</sup> FCC Form 572C (conditional licensing Certification Form) Section 3, Item 6 must also be amended accordingly.

in accordance with the remaining provisions of Section 90.159, the Commission will enable carriers to begin to use these frequencies without delay. Consumers receive the resulting benefit, as service will be provided more expeditiously to the American public.

For the foregoing reasons, PageNet respectfully requests that the Commission adopt a Notice of Rulemaking and amend Section 90.159(b)(1) of its rules consistent with this Petition.

Respectfully submitted,

PAGING NETWORK, INC.

By:   
Judith St. Ledger-Roty  
Marnie K. Sarver  
Kathleen A. Kirby

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Washington, D.C. 20036  
(202) 457-6100

Its Attorneys

Dated: August 9, 1993

**Exhibit 1**



Government of Canada  
Department of Communications

Gouvernement du Canada  
Ministère des Communications

Ottawa, Canada  
K1A 0C8

20th Anniversary - OCT 8 CRTC  
20th anniversaire - OCT 8 CRTC  
1990 - 1992

HH 181-4

Your file / Votre référence

Our file / Notre référence  
3407/200

JUL 22 1992

Mr. Bruce Franca  
Deputy Chief Engineer  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C.  
20554 U.S.A.

Dear Mr. Franca,

As discussed during the FCC/DOC Technical Liaison meeting June 22-23, 1992 we have reviewed the interim coordination considerations for the band 929-932 MHz.<sup>1,2</sup> These considerations between the two Agencies include:

- (1) sharing arrangements for both FCC and DOC in portions of the band 929-932 MHz within 75 miles of the border; and,
- (2) steps to be followed for FCC requests for coordination within 250 miles of the border.

Both these actions were required so as to:

- (1) identify frequencies for each country's use for paging operations within 75 miles of the border and;
- (2) protect Canadian fixed systems in this band.

<sup>1</sup> Interim Coordination Considerations for the Band 929-932 MHz dated September 14, 1983.

<sup>2</sup> Further Interim Coordination Considerations for the Shared 929-932 MHz dated February 10, 1987.

Canada



Since protection to Canadian fixed systems is no longer required, the following amendments are made to these interim coordination considerations.

1. Subject to section 2 below, no coordination requests from the FCC are required within 250 miles of the border in the bands 929-930 MHz and 931-932 MHz.
2. Within 75 miles of the Canada/U.S. border, coordination is not required with the other country for use of the frequency blocks in the geographical zones identified for each country in the two Interim Arrangements<sup>1,2</sup>, noting that the frequency 931.0875 MHz is available for exclusive Canadian use and the frequency 931.8625 MHz for exclusive American use.
3. Special coordination arrangements may be initiated by either Agency and implemented subject to the approval of both Agencies.

Please confirm your acceptance of the above amendment as an understanding between our two Agencies by signing below and returning to me one signed copy.

Yours truly,



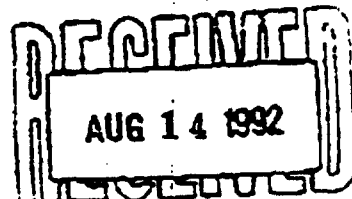
Robert W. McCaughern  
Deputy Director General  
Engineering Programs Branch  
DOC

I agree.



8/11/92

Mr. Bruce Franca  
Deputy Chief Engineer  
Office of Engineering and Technology  
FCC



**Exhibit 2**



Title 47 of the Code of Federal Regulations, Part 90, should be amended as follows:

§ 90.159 Temporary and conditional permits

\* \* \* \* \*

(b)(1) For applicants proposing to operate below 470 MHz, that the proposed station location is south of Line A or west of Line C as defined in § 90.7; for applicants in the one-way paging 929-930 MHz band, that the proposed station location is west of Line C.

\* \* \* \* \*